

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	CASE NO. CR06-026 RSL
Plaintiff,)	
)	
v.)	
)	SUMMARY REPORT OF U.S.
DANIEL MENGISTEAB YOHANNES,)	MAGISTRATE JUDGE AS TO
)	ALLEGED VIOLATIONS
Defendant.)	OF SUPERVISED RELEASE
_____)	

An evidentiary hearing on supervised release revocation in this case was scheduled before me on December 12, 2012. The United States was represented by AUSA Nicholas Brown and the defendant by Bruce Erickson. The proceedings were digitally recorded.

Defendant had been sentenced on or about December 8, 2006 by the Honorable Robert S. Lasnik on a charge of Conspiracy to Distribute Cocaine Base, and sentenced to 36 months custody, 5 years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant submit to search, participate in drug testing and treatment, participate in mental health treatment including MRT, provide access to financial information

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01 upon request and not associate with any known gang members. (Dkt. 264.)

02 On April 21, 2008, the sentence was reduced to 29 months, pursuant to the amended
03 guidelines range for crack cocaine offenses. (Dkt. 365.) All other provisions of the judgment
04 remained in effect.

05 On August 15, 2008, defendant's probation officer reported that defendant had violated
06 the conditions of supervised release by associating with a known felon. The probation officer
07 recommended that the violation be addressed through the MRT program and no further action
08 was taken at the time. (Dkt. 392.) After an arrest for driving with license suspended on August
09 24, 2008, defendant's supervision was modified to require participation in home confinement
10 with electronic monitoring for up to 90 days. (Dkt. 396.)

11 On February 5, 2010, after admitting violations of supervised release for failing to
12 participate in MRT as directed, failing to report as directed, committing the crime of driving
13 with license suspended, associating with a convicted felon and associating with persons
14 involved in criminal activity, defendant was sentenced to 30 days imprisonment and 59 months
15 supervised release, including an additional requirement of 120 days participation in location
16 monitoring and participation in MRT. Defendant was also prohibited from possessing any false
17 identification documents. (Dkt. 439.)

18 On March 16, 2011, defendant admitted violating the conditions of supervised release
19 by failing to comply with the location monitoring program, failing to participate in MRT,
20 consuming marijuana, failing to report for urinalysis testing, and failing to report to the
21 probation office as directed. (Dkt. 451.) Defendant was sentenced to four months
22 imprisonment, 54 months supervised release. (Dkt. 460.)

01
02 In an application dated September 14, 2012 (Dkt. 600, 601), U.S. Probation Officer
03 Thomas J. Fitzgerald alleged the following violations of the conditions of supervised release:

04 1. Committing the crime of conspiracy to distribute a controlled substance on or
05 before August 28, 2012, in King County, Washington, in violation of the general condition that
06 he not commit another federal, state or local crime.

07 2. Associating with Herman Roche, a convicted Felon, on or before August 18,
08 2012, in violation of special condition number 9.

09 Defendant was advised in full as to those charges and as to his constitutional rights.

10 Defendant admitted the violations and waived any evidentiary hearing as to whether
11 they occurred. (Dkt. 641.)

12 I therefore recommend the Court find defendant violated his supervised release as
13 alleged in violations 1 and 2, and that the Court conduct a hearing limited to the issue of
14 disposition. The next hearing will be set before Judge Lasnik.

15 Pending a final determination by the Court, defendant has been detained.

16 DATED this 12th day of December , 2012.

17
18 /S/ MARY ALICE THEILER

Mary Alice Theiler

United States Magistrate Judge

19
20
21 cc: District Judge: Honorable Robert S. Lasnik
22 AUSA: Nicholas Brown
Defendant's attorney: Bruce Erickson
Probation officer: Thomas J. Fitzgerald

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